

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

VLADIMIR GUSINSKY REVOCABLE
TRUST, Derivatively on Behalf of FOOT
LOCKER, INC.,

Plaintiff,

v.

RICHARD A. JOHNSON, LAUREN B.
PETERS, DONA D. YOUNG, JAROBIN
GILBERT, JR., CHERYL NIDO TURPIN,
ALAN D. FELDMAN, MATTHEW M.
MCKENNA, GUILLERMO G. MARMOL,
MAXINE CLARK, STEVEN OAKLAND,
ULICE PAYNE, JR., KIMBERLY K.
UNDERHILL, and NICHOLAS DIPAOLO,

Defendants,

-and-

FOOT LOCKER, INC., a New York
Corporation,

Nominal Defendant.

Case No. 1-18-cv-02922-AMD-SJB

**ORDER CONSOLIDATING RELATED
ACTIONS AND APPOINTING CO-
LEAD AND LIAISON COUNSEL**

GREGORY SMITH, Derivatively on Behalf
of FOOT LOCKER, INC.,

Plaintiff,

v.

RICHARD A. JOHNSON, LAUREN B.
PETERS, DONA D. YOUNG, CHERYL
NIDO TURPIN, ALAN D. FELDMAN,
MATTHEW M. MCKENNA, GUILLERMO
G. MARMOL, MAXINE CLARK, STEVEN
OAKLAND, ULICE PAYNE, JR.,
KIMBERLY K. UNDERHILL, and
NICHOLAS DIPAOLO,

Defendants,

-and-

FOOT LOCKER, INC., a New York
Corporation,

Nominal Defendant.

Case No. 1:18-cv-06635-LDH-ST

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ **MAR 14 2019** ★

BROOKLYN OFFICE

The Court, having considered the Stipulation Consolidating Related Actions and Appointing Co-Lead and Liaison Counsel, hereby orders as follows:

I. CONSOLIDATION

1. The following actions shall be consolidated for all purposes, including pre-trial proceedings and trial:

Case Name	Case No.	Date Filed
<i>Gusinsky Revocable Trust v. Johnson, et al.</i>	1:18-cv-02922	May 16, 2018
<i>Smith v. Johnson et al,</i>	1:18-cv-06635	November 20, 2018

2. Every pleading filed in this consolidated action, or in any separate actions included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In re FOOT LOCKER, INC. SHAREHOLDER DERIVATIVE LITIGATION)	Civil Action No. 1:18-cv-02922
_____)	
)	
This Document Relates To:)	
)	
ALL ACTIONS)	
_____)	

3. Lead counsel is to notify the Clerk of the Court of the subsequent filing or transfer of any case which may be consolidated, pursuant to Rule 42(a)(2) of the Federal Rules of Civil Procedure, with *In re Foot Locker, Inc. Shareholder Derivative Litigation*, Civil Action No. 1:18-cv-02922 (the "Consolidated Action").

4. The files will be maintained in one master file under Lead Case No. 1:18-cv-02922-AMD-SJB.

5. Pursuant to Fed. R. Civ. P. 5(b)(2)(E)-(F), service by e-mail transmission shall be permitted in addition to service via ECF notification. For non-CM/ECF participants, service shall be deemed effective upon transmission of e-mail.

II. APPOINTMENT OF CO-LEAD AND LIAISON COUNSEL FOR PLAINTIFFS

6. Robbins Arroyo LLP and The Weiser Law Firm, P.C. shall serve as co-lead counsel for plaintiffs in the Consolidated Action. Co-Lead counsel shall have authority to speak for plaintiffs in matters regarding pre-trial and trial procedure and settlement negotiations, and shall make all work assignments in such manner as to facilitate the orderly and efficient prosecution of the Action and to avoid duplicative or unproductive efforts.

7. The Law Offices of Thomas G. Amon shall serve as liaison counsel for plaintiffs in the Consolidated Action.

8. Defendants known to be presently represented take no position as to the appointment of co-lead counsel or liaison counsel for plaintiffs in the Consolidated Action.

9. Defendants' counsel may rely upon all agreements made with plaintiffs' co-lead counsel, and such agreements shall be binding on all plaintiffs.

III. ACCEPTANCE OF SERVICE

10. To the extent service has not been accepted, counsel for defendants and nominal defendant shall accept service of the summons and complaint within five business days after entry of this Order.

IV. STAY OF THE CONSOLIDATED ACTION

11. The Consolidated Action is stayed in accordance with the August 14, 2018 order by this Court entered in *Gusinsky Revocable Trust v. Johnson, et al.* 1:18-cv-02922. ECF No. 7.

IT IS SO ORDERED.

DATED: March 12, 2019

s/ AMD

THE HONORABLE ANN M. DONNELLY
UNITED STATES DISTRICT JUDGE